THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.17348 of 2007

06.09.2007

Between

Khoja Asna Ashri Jamat

…Petitioner

And

Government of A.P., rep.by its Secretary (Minorities Welfare), Secretariat, Hyderabad and another.

…Respondents

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.17348 of 2007

ORDER:

This writ petition is filed questioning the gazette notification issued by the second respondent declaring the land to an extent of 1438 sq.yards in Municipal No.22-7-514 situated opposite Zanani Phatak of Hawali Kadeem Mir Allam Mandi as wakf property.

The main grievance of the petitioner is that the said declaration has been done arbitrarily and violating the principles of natural justice.

Since the competent authority has declared the property in question as wakf property by issuing a gazette notification, the aggrieved party has got an effective alternative remedy of suit under Section 6 of the Wakf Act,

1995 (for short 'the Act'). In view of the effective alternative remedy available to the petitioner, the present writ petition is not maintainable. Apart from that, it is stated that a notice has been issued to the petitioner under Section 54(1) of the Act and even an Enquiry Officer was appointed to enquire into the claims of the petitioner.

In view of the above circumstances, without going into merits of the case, the writ petition is dismissed. It is however open to the petitioner not only to participate in the enquiry ordered by the second respondent but also to avail the other remedies available under the stature. Since *status quo* order has been granted by this Court with reference to possession, the said order shall continue for a period of two weeks from today. No costs.

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06.09.2007

VGB